

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISON

| | | |
|------------------------------|---|--------------------------------|
| ALEXANDRA LOZANO IMMIGRATION | § | |
| LAW, PLLC, | § | |
| <i>Plaintiff,</i> | § | |
| v. | § | Civil Action No. 4:24-cv-02190 |
| | § | |
| JUAN PABLO DIAZ CUENCA and | § | |
| MENESES LAW, PLLC | § | |
| | § | |
| <i>Defendants.</i> | § | |

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO
DISMISS COUNTERCLAIMS**

On August 26, 2024, Meneses Law, PLLC ("Meneses Law") filed its First Amended Answer and Counterclaim ("Amended Counterclaim") (Dkt. No. 36) pursuant to Fed. R. Civ. P. 15(a)(1). In the Amended Counterclaim, Meneses Law withdrew its claims for (1) Declaratory Judgment of No Trademark Infringement and (2) Declaratory Judgment of No Unfair Competition. Additionally, in the Amended Counterclaim, Meneses Law amended its claim for Declaratory Judgment of Trademark Invalidity and added two claims: (1) Declaratory Judgment of Lack of Secondary Meaning and (2) Declaratory Judgment of Genericness. Due to Meneses Law's Amended Counterclaim, Plaintiff's motion to dismiss (Dkt. No. 25) is mooted. *See, e.g., Garcia v. City of Amarillo, Texas*, 2018 WL 6272461, at *1 (N.D. Tex. Oct. 29, 2018) ("an amended complaint, which supersedes the original complaint as the operative pleading, renders a motion to dismiss the original complaint."); *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) ("An amended complaint supersedes the original complaint and renders it of no legal effect").

Dated: August 26, 2024

Respectfully submitted,

/s/ Jason S. McManis

Joseph Y. Ahmad
State Bar No. 00941100
Federal ID: 11604
Jason S. McManis
State Bar No. 24088032
Federal ID: 3138185
Michael Killingsworth
State Bar No. 24110089
Federal ID: 3372610
joeahmad@azalaw.com
jmcmanis@azalaw.com
mkillingsworth@azalaw.com
1221 McKinney, Suite 2500
Houston, Texas 77010
Phone: (713) 655.1101
Fax: (713) 655.0062

**ATTORNEY FOR DEFENDANT
MENESES LAW FIRM PLLC**

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2024, a true and correct copy of the above and foregoing document was filed electronically and provided to all counsel of record through the CM/ECF system.

/s/ Jason S. McManis